

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Dale Allen Ekert,

Petitioner,

Civil No. 05-2900 (RHK/JJG)

vs.

ORDER

State of Minnesota,

Respondent.

This matter is before the undersigned upon the Report and Recommendation of the United States Magistrate Judge. No objections have been filed to the Report and Recommendation in the time period permitted. Based on the Report and Recommendation of the Magistrate Judge, and being duly advised of all the files, records and proceedings herein, **IT IS HEREBY ORDERED:**

1. The Report and Recommendation (Doc. No. 13) is **ADOPTED**; and
2. The Petition for Writ of Habeas Corpus under 28 U.S.C. § 2254 (Doc. No. 1) is

DENIED.

Dated: June 6, 2006

s/Richard H. Kyle
RICHARD H. KYLE
United States District Judge